



A Common Sense HIPAA Privacy Guide – Case Studies

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What is HIPAA?

- **H**ealthcare
- **I**n
- **P**ain
- **A**nd
- **A**gony (again)

A Drug Study Case



- A new blood pressure drug goes to second round of clinical trials
- Drug interacts with hormone therapy



A Drug Study Case

- Women who are using new drug and taking hormones can have the worse asthma attack of their lives
- One woman is brought to the ICU and intubated immediately, saving her life
- Another woman is brought into the CCU as the ICU is full



A Drug Study Case

- Respiratory Therapist in ICU decided not to discuss the case with Respiratory Therapist in CCU
- She was afraid she would be fired after being warned not to discuss a patient's medical information unless absolutely necessary for that patient



A Drug Study Case

- Patient was intubated late and died
- Hospital was HIPAA “compliant”(?)
- It is important to balance the needs for privacy and to practice medicine
- Healthcare operations is

“Everything a caregiver does to

Nurse Delivers at her Hospital



- A 33 year old pregnant MWF nurse presents to her OB/GYN
- She says she has never been pregnant, is a G1P0Ab0



Nurse Delivers at her Hospital

- After 8 months, she confides in her physician that she had an abortion
- She has not told her husband or friends
- Her physician changes her to G2P0Ab1 without any other notation in her chart
- While delivering in the hospital, co-workers discover the change



Nurse Delivers at her Hospital

- Her co-workers correctly surmise she had an abortion and gossip starts
- Her husband confronts her and she confesses
- The nurse is ostracized
- The baby brings pain instead of joy



Nurse Delivers at her Hospital

- Her husband also has a difficult time at the bank and is transferred to Idaho
- The nurse sues
- The attorney says there were no electronic safeguards or policies
- Gossip was joked about as a perk

A Patient Wants Restrictions



- A 65 y.o. MWF is a new patient
- The patient says that she does not want her second husband to know she had a hysterectomy



A Patient Wants Restrictions

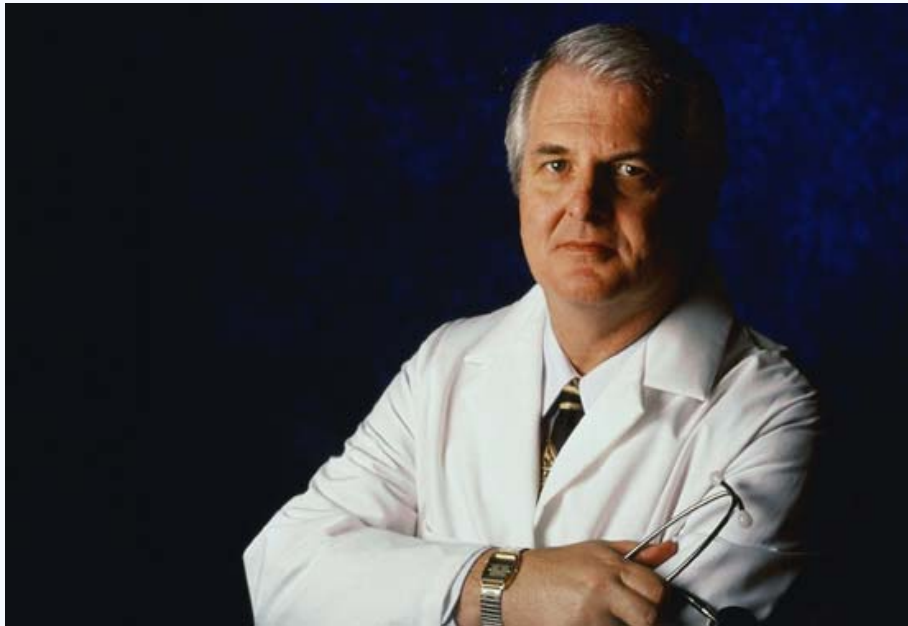
- The patient doesn't want her children to know about her drinking problem
- The patient doesn't want her boss to know about her bout with depression
- The patient doesn't want her cousin who works with you to know anything



Patient Restriction – Summary

- The most important privacy issue is whether or not to accept restrictions
- A restriction is a contract for life and is transferred to the next practitioner
- Many companies have decided that their policy is to accept no restrictions

Employees Going Bad



- According to HCA, 98% of employees access records properly
- Others check up on employees, civic leaders or people they know socially

Medical Records Gets Hurried



- A 37 y.o. WM comes to get a copy of his chart from his employer's office
- He gives his name, SS #, DOB, Mother's maiden name, last address



Medical Records Gets Hurried

- Patient answers the questions easily
- Medical Records is in a hurry and agrees to make him a copy
- Patient is not really that patient
- Imposter ruins the patient's life
- Patient sues for \$25 Million



Medical Records Gets Hurried

- Attorneys ask employees in the parking lot about their policies
- Employer says that everyone is properly trained on giving records
- Attorneys want to see where that specific employee had been trained over that exact point



Medical Records Gets Hurried

- How can you legally protect your company from the employee's actions?
- How do you document employee's training over each point of HIPAA?
- Do not fear the government – fear the general public

The Inside Story at an HMO



- Janice works as a data entry clerk at an HMO
- Janice frequently took her lunch at her desk



The Inside Story at an HMO

- Janice told me that she looked at the records of everyone in her hometown
- Janice became a source of information for other people about folks
- Janice thought it was important to know information about families of people her children were hanging out with



The Inside Story at an HMO

- What was the intent of Janice looking at records?
- Was it to improve care for current patients?
- Was it to improve the care of future patients?
- Or was it for personal reasons?

A Physician's Problem



- Ann has worked at the hospital for a year and enjoys a great reputation
- A physician offers her a 9–5 job



A Physician's Problem

- It turns out that Ann is a smoker
- The Physician has never hired a smoker, he is furious
- How many of you know a Physician who could use a refresher course on how to play well with others?
- Ann was finally let go



A Physician's Problem

- The clinic later couldn't find several charts of the doctor's favorite patients
- HIPAA mandates that you do an exit interview with each employee to determine their security risk
- Proactive organizations are doing it before the person ever leaves

The Prettigude Clinic



- The Clinic finds out that charts have grown overnight
- They decide that they have to move charts into a room used by clinic staff



The Prettigude Clinic

- Their HIPAA person meets with legal
- They go over the HIPAA rules on clinic staff and separation of records and decide to build a \$100,000 addition
- Policies and training were created



The Prettigude Clinic

- The clinic staff agrees not to peek
- Medical records staff agrees to watch the clinic personnel like a hawk
- The supervisor documents it all
- Plan was reviewed by DHHS who said this was appropriate



For More Information

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